

MEMORANDUM

TO: ALL INTERESTED PARTIES:
FROM: ROBERT J. HOWATT
RE: PSC DOCKET 06-241
DATE: 30 JANUARY 2007

Please be advised that Professor Firestone has filed two (2) motions with the Commission in connection with certain information that has been marked as “confidential” in connection with the captioned matter. The two motions are:

- (1) Response to Request for Access to Confidential Information and Motion for Entry of a Protective Order; and
- (2) Motion to Commence Proceedings to Determine Validity of Assertions of Confidentiality.

Both matters are on the Commission’s agenda for consideration on February 6, 2007. It would be helpful if all of the parties who are affected by these motions would be available at the Commission meeting to discuss their position vis-à-vis the request for confidential information as set forth in the first identified motion. The parties should be prepared to discuss why the Commission Rules, specifically Rule 11(e) should, or should not apply to Professor Firestone’s request.

In addition, the second motion suggests that a proceeding should be initiated to determine the appropriateness , as well as the extent of the redactions to some of the materials that appear on the Commission’s web site. Staff has reviewed the motion and believes that some of the specific allegations in Professor Firestone’s Motion regarding the redacted material would be better addressed before the Commission if other parties had an opportunity to formally respond to the allegations contained in the motion. Consistent with Professor Firestone’s suggestion that

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a proceeding be commenced, Staff will be suggesting to the Commission that it consider having the interested parties file responsive materials on the following schedule prior to consideration of the substance of the Motion:

1. All interested parties should respond to the motion by February 12, 2007.
2. Reply responses should be received by February 21, 2007.
3. The matter will be scheduled for the Commission's consideration at its

scheduled meeting on **February 27, 2007**, to be held at **Legislative Hall, Dover, DE**, starting at

10:00 AM.

JMcCG:dlb

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